

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by Barbara A. Kapi,
Wallingford

File No. 2018-093

FINDINGS AND CONCLUSIONS

Complainant Barbara A. Kapi filed this Complaint pursuant to General Statutes § 9-7b. The Complainant alleged violations of Connecticut elections laws by a candidate for election and an elections official in connection with Complainant's nominating petitions. After its investigation, the Commission makes the following findings and conclusions:

1. Complainant alleged that Robert Avery, the Democratic nominee for Registrar of Voters in Wallingford, violated election laws by sending out an email suggesting that individuals could remove their names from a nominating petition, filed by Complainant, for the same office prior to the September 12, 2017 primary in Wallingford.
2. Further, Complainant alleged that Wallingford Town Clerk Barbara Thompson was incorrectly instructing her staff that pursuant to General Statutes § 9-453h individuals could request to have names removed from petitions at any time.
3. General Statutes § 9-453h provides in pertinent part:
Any signer of a nominating petition may withdraw his signature therefrom at any time up to the deadline date for filing nominating petition pages pursuant to section 9-453i, prior to the election, by sending a written notice of such withdrawal to the candidate or candidates named in such petition and by sending a copy of such notice to the Secretary of the State by such day. Such written notice and the copy thereof shall be sent by registered or certified mail.

4. General Statutes § 9-453i, provides in pertinent part:

(a) Each page of a nominating petition proposing a candidate for an office to be filled at a regular election shall be submitted to the appropriate town clerk or to the Secretary of the State not later than four o'clock p.m. on the ninetieth day preceding the day of the regular election.

(b) Each page of a nominating petition proposing a candidate for an office to be filled at a special election, except petitions filed under section 9-216, shall be submitted to the appropriate town clerk or to the Secretary of the State not later than four o'clock p.m. on the seventieth day prior to such election, unless (1) such special election is held in conjunction with a regular election and (2) the writ of such special election is issued at least fourteen days before the final day for the filing of primary petitions for municipal offices to be filled at such regular election pursuant to section 9-405, in which case the deadline for submitting such nominating petition pages shall be the same as the deadline for such submission in connection with such regular election as provided in subsection (a) of this section.

(c) Each page of a nominating petition proposing a candidate at an election shall be so submitted either (1) to the town clerk of the town in which the signers reside, or (2) to the Secretary of the State, in which case the Secretary of the State shall submit the petition pages to the appropriate town clerk for the purpose of certifying the signatures on such pages.

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5. By way of background, Complainant successfully petitioned on to the ballot for the Democratic September 17, 2017 primary to run for Registrar of Voters in Wallingford. Her allegations against Mr. Avery, her opponent in the primary, and Town Clerk Johnson, were based on the Mr. Avery's email regarding her petition and Ms. Johnson's handling of her petitions as Town Clerk.
6. The Commission finds, after investigation, that Mr. Avery sent an email to Democratic Town Committee members suggesting that individuals who signed Complainant's petition could remove their name as complaint alleged.

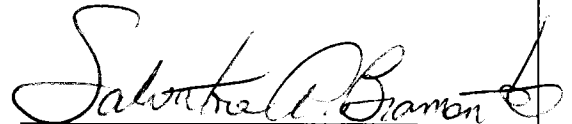
7. The Commission further finds that Ms. Johnson processed Complainant's nominating petitions in a correct manner, which ultimately resulted in her being placed on the primary ballot.
8. The Commission finds, after investigation, that Complainant's allegations against Ms. Johnson pertaining to falsely instructing her staff pertaining to the law regarding the removal of individual signatures from a nominating petition were not substantiated after investigation.
9. The Commission finds that General Statutes § 9-453h and § 9-453i, do not apply to Mr. Avery because he was not working with the town clerk's office and could not impact the certification of signatures and nominating petitions by that office pursuant to those sections; Finally, the Commission finds, after reviewing the email in question, that his actions in discouraging Complainant's candidacy, as an individuals or a candidate, under these specific facts do not otherwise violate elections statutes.
10. The Commission concludes, for the reasons detailed above, that Complainant's allegations were not supported by the facts or the law after investigation. The Commission therefore dismisses Complainant's allegations.

ORDER

The following Order is recommended on the basis of the aforementioned finding:

That the Complaint be dismissed.

Adopted this 20th day of February 2019, at Hartford, Connecticut



~~Anthony J. Castagno, Chairman~~

By Order of the Commission

Salvatore Bramante - Vice Chair